

CITY OF MILPITAS
COMMUNITY ADVISORY COMMISSION
MILPITAS CITY HALL COMMITTEE MEETING ROOM
UNAPPROVED MINUTES
May 5, 2004

**I.
Call to Order
and Roll Call**

Chair Iloreto called the meeting to order at 6:45 p.m. Present were Commissioners Abelardo, Cook, Lee, Mandal, Mohsin (6:50 pm), and Ranker
Alternates present were Commissioners Fang, Lind, Luna, and Queenan (7:28 pm)
Absent: Commissioners Pham and Robinson

**II.
Seating of
Alternates**

Alternates seated: Luna, Lind, and Fang

**III.
Pledge of
Allegiance**

Commissioner Lee led the Pledge of Allegiance.

**IV.
Approval of
Agenda**

MOTION to approve the Agenda as submitted.

M/S: Cook, Lind

Ayes: 9

**V.
Approval of
Minutes**

MOTION to approve the minutes of April 22, 2004 with the following corrections:
Commissioner Mandal and Pham were not mentioned as not being present;
Commissioner Ranker was the one who led the Pledge of Allegiance.

M/S: Ranker, Abelardo

Ayes: 7

Abstain: 2 (Lind,
Mandal)

**VI.
Announcements**

Staff announced that the recognition of former Chair Al Garcia would be at the June meeting and there would be discussion of the Neighborhood Night Out at the June meeting. Commissioner Mandal notified the Commission that he would not be at the June CAC meeting.

Chair Iloreto stated that he received a lot of input at the Global Village event in regards to the Mayor's term length survey.

**VII.
Citizens' Forum**

Chair Iloreto invited members of the audience to address the Commission on any item not on the agenda. There were no requests.

VIII. Liaison Reports

a. City Council

Councilmember Polanski introduced herself to the Commission and gave a brief summary of the most recent City Council items. She thanked Commissioner Ranker for being at the City Council meeting and announcing the Ethics workshop that was going to be held this evening. The City Council approved Shapell's development at the Town Center that will include, Safeway, 65 homes - 25% of which will be affordable housing. The water/sewer rates were raised. The Council also implemented a penalty charge for people who pay late. The Council approved the proposal to prepare a Milpitas newsletter, and the first publication will be in July. The City has contracted with BFI to do street sweeping in about a month. There will be no charge until 2007. This will save the City approximately \$225,000 annually for those years from the general fund. Commissioner Abelardo asked if there is a policy of what would be in the newsletter. Councilmember Polanski stated that there would be nothing political and no advertising in the newsletter. The newsletter will be published four times a year and up to 12 pages in length. The City Council approved the CDBG recommendations from the CAC Commission. The Council approved a letter to be sent to BART about the concerns, issues and recommendations regarding the stations coming to Milpitas.

IX. New Business

a. Subcommittee/Task Force Status Reports

Chair Iloreta stated there would be no action other than the Mayor's Term Length and selecting a special meeting date for the Ethics code implementation plan, which will be discussed after the Ethics workshop.

b. Ethics Code Preparation Workshop #4.

Staff thanked everyone who attended any of the previous workshops and had returned to Workshop #4 to help write the city's ethics code and thanked all newcomers to the process. To get a sense of the various groups represented by those in attendance, staff identified department senior staff, the city manager, assistant city manager, boards and commissioners and two members of the public (see attached sheet listing those in attendance) after which participants were asked to turn to the person sitting next to them and introduce themselves. Staff then introduced Dr. Shanks, the city's ethics consultant and Dr. Philip Riley, also hired by the city to assist with the code preparation workshops. Dr. Shanks then thanked staff for the work they have done thus far to keep this project moving. Dr. Shanks proceeded with a warm-up/ice breaker exercise where participants were asked a series of ethics-related questions.

Dr. Shanks reviewed the draft code pieces from the previous workshop (Workshop #3 held 4/22/04) that he had edited to relate it to the state code. After much discussion, the group reached consensus and made the changes reflected on the attached version of the code.

Participants were then broken into 6 work groups, each working on one of the 6 values of code. Each group was asked to complete a worksheet called, "Milpitas Code of Ethics and Behavioral Standards" to review the draft behavioral standard for campaign candidates to clarify how the draft code applies to candidates. A representative from each group was asked to present their group's work for the benefit of all participants. Dr. Shanks asked for a consensus as to whether all participants could accept the version of the behaviors prepared by the work groups (attached) consensus was reached.

Dr. Shanks then facilitated a discussion of accountability system options. Feedback from participants generated the attached list of options for consideration to include in the

consultant's implementation plan that will be reviewed by the Council on June 1, 2004 along with the draft code.

Dr. Shanks stated that a certificate of appreciation would be presented to all participants at a future City Council meeting. Staff provided information about next steps and the workshop was concluded with a group photo.

c. Mayor's Term Length and Term Limit.

Commissioner Lee presented the attached proposed PowerPoint Council presentation of the subcommittee's recommendation. He stated that the purpose of the subcommittee was to evaluate changing the Mayor's term length from 2 years to 4 years. The process included research from other communities, public input and 4 interviews. Commissioner Lee stated that the pros to the change were: continuity in office, continuity in regional groups, and campaigning reduced. The cons against this were accountability. Therefore, the subcommittee recommends increasing the Mayor's term length from 2 years to 4 years.

Commissioner Lee stated that the City Council requested further research be done on the following items:

1. Public input regarding a change to the Mayor's term Length
2. Specific wording on what to place on the ballot
3. The correlation between term length change and current term limits for existing Mayor and Council Members

Commissioner Lee stated the subcommittee surveyed to other Commissioners, citizens at the Public Library, attendees at CAC meetings, Ethics Forum, and community events, Milpitas Lions Club members, church members, friends and neighbors. The total surveys taken were 92. A total of 77 (84%) were in favor of extending the Mayor term to 4 years and 15 (16%) were against extending the Mayor term to 4 years. A total of 69 (75%) were in favor of limiting the Mayor's term to two consecutive 4-year terms; 8 (9%) were against limiting the Mayor's term to two consecutive 4-year terms; and 15 (16%) were undecided. A CAC public hearing was held on April 7, 2004 to get input from the community. Commissioner Lee read the specific wording that would be placed on the ballot. Commissioner Lee stated that if the vote were approved by the citizens of Milpitas, the new Mayor's 4-year term would begin in 2008. He stated the subcommittee's final thought was to let the people decide whether to change the Mayor's term length.

After discussion among the CAC members, the consensus was to clarify that ballot question state 3, consecutive 2 year terms and 2, consecutive 4 year terms and that "If you voted, Yes to ballot question #1" be added to ballot question 2.

MOTION to approve the subcommittee's presentation with changes as specified above and move the years from left to right on the timing chart (slide 8) for forwarding to the City Council.

M/S: Mandal, Abelardo

Ayes: 9

Commissioner Lee was designated as the presenter for the May 18th Council meeting.

d. Set special meeting date to review draft Ethics Code Implementation Plan.

Staff stated that in order to keep on track with the June 1st Council adoption date of the Ethics code and behaviors and implementation plan, a special meeting needed to be held by the CAC. Staff is recommending Monday 17, 2004 at 7:00 as a special meeting of the CAC to review the draft Ethics Code Implementation Plan to present to the City Council at their June 1, 2004 meeting.

MOTION to have a special meeting on May 17, 2004 at 7:00 pm to consider and review the draft Ethics Code Implementation Plan.

M/S: Ranker, Mohsin

Ayes: 9

Commissioner Lind requested the CAC get the packet ahead of time to review.

X.

Adjournment

Chair Ilorete adjourned the meeting at 10:00 p.m. to the May 17, 2004 meeting.

Respectfully submitted,

Yvonne Andrade, Recording Secretary